

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re TERRORIST ATTACKS on  
SEPTEMBER 11, 2001

03 MDL 1570 (GBD)(FM)  
ECF Case

*This document relates to:*  
All Cases


**DECLARATION OF MITCHELL R. BERGER**

1. I am a member of the law firm of Patton Boggs LLP, attorneys for Defendant The National Commercial Bank (“NCB”), and am a member of the bar of this Court. I respectfully submit this Declaration in support of NCB’s Reply in Support of NCB’s Motion to Strike or, Alternatively, for Leave to Respond to New Arguments in Plaintiffs’ Reply in Support of their Motion for Declaratory Relief. This Declaration is based upon personal knowledge of the facts set forth herein and information derived from a review of the exhibits hereto.

2. Attached as Exhibit A is a true and correct copy of a letter dated April 3, 2009 from Assistant United States Attorney Sarah S. Normand to Judge Daniels.

3. I declare under penalty of perjury that the foregoing is true and correct, based on my knowledge, information, and belief.

Executed in this 20th day of April 2009 in Washington, District of Columbia.

  
 Mitchell R. Berger (MB-4112)  
 PATTON BOGGS LLP  
 2550 M Street, N.W.  
 Washington, D.C. 20037  
 Phone: 202-457-6000  
 Fax: 202-457-6315

*Attorney for Defendant*  
*The National Commercial Bank*